



Delegation of Immigration Authority

- *“Local police enforcement of federal immigration law would unduly burden our community with responsibilities that should lie only with the federal government. Our local police would be diverted from their core mission of investigating and preventing dangerous criminal activity in our city, increasing the risks crime poses to our residents.”*
Chris Burbank, Salt Lake City Police Department’s Chief.

- *“By allowing for the integration of law enforcement and immigration duties, HB105 SI would have a chilling effect on community policing efforts in immigrant communities”.*
Karen McCreary, Executive Director, American Civil Liberties of Utah.

- The Utah Coalition Against Sexual Assault (UCASA) and the Utah Domestic Violence Council (UDVC) have joined in opposition to HB 105 Illegal Immigration Enforcement Act on behalf of sexual assault and domestic violence victims. Giving law enforcement the authority to act as federal immigration officials jeopardizes the relationship between victims of color and law enforcement and makes victims of sexual and domestic violence unlikely to report abuse and/or seek emergency medical attention, regardless of intensity, if there is a chance they might be deported. Many communities of color already fear the police and this would further validate this fear.

Background

On September 30, 1996 the Illegal Immigration reform and Immigration Responsibility Act (IIRAIRA) added section 287 (g) performance of immigration officer functions by state officers and employees, to the Immigration and Nationality Act. (INA)

This authorizes the secretary of the U.S. Department of Homeland Security (DHS) to enter into agreements with state and local law enforcement agencies, permitting designated officers to perform immigration law enforcement functions, pursuant to a Memorandum of Agreement (MOA).

At this time, the requesting agency is required to fund the Information technology (Computer and Network Systems) needed to access the Immigration and Customs Enforcement (ICE) databases.

U.S. Immigration and Customs Enforcement

- 2006 – The Virginia legislative body voted down similar legislation because of concerns on the safety of battered immigrant women and public safety in general.
- 2003 – The Alabama Department of Public Safety (ALDPS) signed a Memorandum of Agreement (MOA) to provide immigration authority to 21 Alabama state troopers.
- 2002 – The Florida Department of Law Enforcement (FDLE) entered into agreement under Section 287(g).

2007 Legislative Session

- Rep. Glenn Donnelson (R-Weber) is sponsoring **HB 105 Illegal Immigration Enforcement Act**. The bill would grant state and local enforcement officers the power to enforce federal immigration laws.
- Utah Attorney General Mark Shurtleff said he doesn't support the bill because law officers already are busy enforcing state and local laws. He also said law enforcement already works with federal agents on cases involving illegal immigrants.
- **Concerns about HB 105**
 - **Racial profiling**
 - **Lack of trust from communities towards law enforcement (victims & witnesses to crimes).**
 - **Overworked police officers.**
 - **Misdirected state and local police (and funds) from their local crime-fighting priorities.**
 - **May create confusion between civil and criminal violations and impede appropriate prosecution processes to take their course.**